

01-08-01

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Atty Dkt No. 0800-0009.05  
PATENT

**REQUEST FOR FILING  
CONTINUATION/DIVISIONAL APPLICATION**

JC984 U.S. PTO  
01/04/01

JC984 U.S. PTO  
09/755734  
01/04/01

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

X "Express Mail" Mailing Label No. EL 668 934 135 US Date of Deposit JANUARY 4, 2001  
I hereby certify that this paper or fee is being deposited with the United States Postal Service  
"Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above  
and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

GAIL WARDWELL  
(Typed or Printed Name of Person Mailing Paper or Fee)

Gail Wardwell  
(Signature of Person Mailing Paper or Fee)

Sir:

This is a request for filing a X continuation      divisional application under 37 C.F.R.  
1.53(b)(1), of pending prior application serial no. 09/309,042, filed May 10, 1999 of Gregory M.  
PODSAKOFF and Gary J. KURTZMAN for METHODS FOR DELIVERING DNA TO MUSCLE  
CELLS USING RECOMBINANT ADENO-ASSOCIATED VIRUS VECTORS (see amended Title in  
enclosed Preliminary Amendment).

- 1. X Enclosed is an application filed under 37 C.F.R. 1.53(b)(1). No new matter has been added.
- 2. X Applicants claim small entity status.
- 3. X The filing fee is calculated below (based on enclosed Preliminary Amendment):

A.	Basic Application Fee		\$710
B.	Total Claims 12 - 20 = 0	x \$18	0
C.	Independent Claims 2 - 3 = 0	x \$80	0
D.	If multiple claims present, add	\$270	0
E.	Total Application Fee (Total of A, B, C & D)	=	<u>710</u>
F.	If small entity status is claimed, reduce Total Application Fee by 50%		<u>355</u>
G.	Total Fee Due (E - F)	=	355

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4. X The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 1648.
5. X A check to cover the \$ 355 application fee is attached.
6.     Cancel in this application original claims of the prior application before calculating the filing fee.
7. X The inventors of the invention being claimed in this application are: Gregory M. PODSAKOFF and Gary J. KURTZMAN.
8. X This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.53(b)(1), the Commissioner is requested to delete the names of the following persons who are not inventors of the invention being claimed in this application: Paul D. KESSLER and Barry J. BYRNE.
9. X Amend the specification as follows: On page 1, at line 10, please insert the following:  
--This application is a continuation of U.S. Patent Application Serial No. 09/309,042, filed May 10, 1999, which is a continuation of U.S. Patent Application Serial No. 09/226,989, filed January 7, 1999, which is a continuation of U.S. Patent Application Serial No. 08/588,355, filed January 18, 1996, now U.S. Patent No. 5,858,351, from which applications priority is claimed pursuant to 35 U.S.C. §120--.
10. X The prior application is assigned of record to Avigen, Inc.
11. X A preliminary amendment is enclosed.
12. X Also enclosed: Blanket Petition for Extension of Time and Authorization to Charge or Credit Deposit Account, postcard.
13. X The power of attorney in the prior application is to Roberta L. Robins.
- a. X The power appears in the original papers in the prior application.
- b.     Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. X Recognize the following individuals as Associate Attorneys: Dahna S. Pasternak, Reg. No. 41,411; Gary R. Fabian, Ph.D., Reg. No. 33,875; Kenneth G. Chahine, Reg. No. 42,398 and M. Christina Thomson, Reg. No. 43,190.

d. X Address all future communications to Roberta L. Robins at:

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PATENT TRADEMARK OFFICE

JC841 U.S. PTO  
09/755734  
01/04/01

1/4/01  
(date)

*Roberta L. Robins*  
(Attorney of Record)  
Roberta L. Robins  
Reg. No. 33,208

Address of signator:

   inventor(s)  
   assignee of complete interest  
X attorney or agent of record

   filed under § 1.34(a)